

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
February 11, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY, CHAIR

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney	Bryce Armstrong, Community Development
Robert J. Moore, Utah County Deputy Attorney	Peggy Kelsey, Community Development
Paul Jones, Utah County Deputy Attorney	Brandon Larsen, Community Development
Bryan E. Thompson, Utah County Clerk/Auditor	Lana Jensen, Utah County Personnel Director
Joshua K. Ivie, Supervising Deputy Clerk	Jane Ivie, Personnel Office
Julie Rollins, Utah County Purchasing Agent	Richard Nielson, Utah County Public Works Director
Dr. Joseph K. Miner, Health Department Exec. Director	Jeff Smith, Utah County Recorder
Jackie Black, Utah County Health Department	Andrea Allen, Utah County Recorder's Office
Margie Golden, Utah County Health Department	James O. Tracy, Utah County Sheriff
Pauline Hartvigsen, Utah County Health Department	Dalene Higgins, Utah County Sheriff's Office
Carla Lott, Utah County Health Department	Gary Ratcliffe, Utah County Surveyor
Kim Lund, Utah County Health Department	Robert C. Kirk, Utah County Treasurer
Steve Mickelson, Utah County Health Department	George Bills, Gardner & Associates LLC
Marla Raff, Utah County Health Department	Clark M. Merkley, Leavitt Group Insurance Advisors
Jan Rogers, Utah County Health Department	Mike Stansfield, Fairways Media
Richard Nance, Drug&Alcohol Prevention&Treatment	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:03 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Gary J. Anderson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

Commissioner Anderson took a moment of personal privilege to share a recollection from his high school sports days. Commissioner Ellertson commended the audience's recitation of the Pledge of Allegiance, noting a current bill before the Utah State Legislature.

CONSENT AGENDA

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE DONATION AGREEMENT WITH CAMPING WORLD RV SALES FOR USE OF A MOTOR HOME**
2. **APPROVE RELEASE OF THE COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS, AGREEMENT NO. 2009-170, AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER FOR W.W. CLYDE & CO., MINING OPERATION LOCATED AT 21,400 S US HWY 6, SPANISH FORK CANYON AREA OF UNINCORPORATED UTAH COUNTY; W.W. CLYDE & CO. HAS SUCCESSFULLY BONDED WITH STATE OF UTAH DIVISION OF OIL, GAS AND MINING, FILE NO. M/049/0070**

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3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE “COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS” AGREEMENT FOR A NEW MINING OPERATION WITH AMES CONSTRUCTION, LLC. WITH A SITE LOCATION OF APPROXIMATELY 9971 E US HWY 6, SPANISH FORK CANYON AREA OF UNINCORPORATED UTAH COUNTY; SURETY BOND NO. 106024651 IN AMOUNT OF \$38,839.00 WITH TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, WITH AN ADDRESS OF ONE TOWER SQUARE, HARTFORD, CT 06183**

4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) FOR 2014 MAINTENANCE AND SUPPORT OF GIS SOFTWARE PRODUCTS**

Utah County Information Systems Director Neil Peterson clarified that this agreement is for general computer software throughout the county.

5. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-3**
(Continued from the February 4, 2014 Commission meeting)

Commissioner Ellertson suggested Recommendation Letter No. 2014-3 be approved with two modifications, detailed in his motion below.

Commissioner Ellertson made the motion to approve the Property Tax Actions contained in Recommendation Letter No. 2014-3 with the exception of Serial Parcel No. 45:175:0010 belonging to Peter and Kathryn Davis; and Serial Parcel No. 21:005:0049 belonging to Jeffery K. Taylor, which would both be approved with the note to abate the penalties as detailed in Consent Agenda Item No. 5. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-106
APPROVED WITH EXCEPTIONS

6. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN’S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**

7. **APPROVE THE MINUTES OF THE DECEMBER 17, 2013 WEST MOUNTAIN INCORPORATION: FEASIBILITY STUDY PRESENTATION MEETING**

8. **RATIFICATION OF PAYROLL**

Period 3	0 Checks	1,083 Total Deposits: \$1,415,167.71	Total: \$1,415,167.71
		Federal Payroll Taxes	Total: \$ 206,114.26

9. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 134	February 4, 2014	Direct Deposit: 18738-18743	Total: \$ 911.37
Register No. 135	February 4, 2014	Check Nos. 190491-190498	Total: \$ 2,012.63
Register No. 136	February 4, 2014	Direct Deposit: 18744-18744	Total: \$ 575.00
Register No. 137	February 4, 2014	Check Nos. 190499-190499	Total: \$ 183.61
Register No. 138	February 4, 2014	Check Nos. 190500-190558	Total: \$ 2,250.00
Register No. 139	February 4, 2014	Check Nos. 190559-190563	Total: \$ 8,639.01
Register No. 140	February 4, 2014	Check Nos. 190564-190586	Total: \$ 22,291.95

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Register No. 141	February 5, 2014	Direct Deposit:18745-18748	Total: \$	7,543.58
Register No. 142	February 5, 2014	Check Nos. 190587-190591	Total: \$	7,747.88
Register No. 143	February 5, 2014	Check Nos. 190592-190602	Total: \$	27,988.41
Register No. 144	February 5, 2014	Purchasing Cards 1354-1363	Total: \$	1,977.30
Register No. 145	February 5, 2014	Purchasing Cards 1364-1379	Total: \$	3,460.33
Register No. 146	February 5, 2014	Check Nos. 190603-190609	Total: \$	42,237.18
Register No. 147	February 5, 2014	Check Nos. 190610-190625	Total: \$	291,969.15
Register No. 148	February 5, 2014	Purchasing Cards 1380-1380	Total: \$	196.90
Register No. 149	February 6, 2014	Direct Deposit:18749-18749	Total: \$	59,185.94
Register No. 150	February 6, 2014	Direct Deposit:18750-18751	Total: \$	194.00
Register No. 151	February 6, 2014	Purchasing Cards 1381-1382	Total: \$	193.36
Register No. 152	February 6, 2014	Purchasing Cards 1383-1404	Total: \$	7,369.70
Register No. 153	February 6, 2014	Check Nos. 190626-190628	Total: \$	3,660.44
Register No. 154	February 6, 2014	Check Nos. 190629-190643	Total: \$	59,207.94
Register No. 155	February 6, 2014	Purchasing Cards 1405-1405	Total: \$	7,301.24
Register No. 156	February 6, 2014	Check Nos. 190644-190645	Total: \$	894.74
Register No. 157	February 6, 2014	Check Nos. 190646-190663	Total: \$	12,731.82
Register No. 158	February 6, 2014	Direct Deposit:18752-18762	Total: \$	743,456.96
Register No. 159	February 6, 2014	Check Nos. 190664-190672	Total: \$	76,385.09
Register No. 160	February 6, 2014	Check Nos. 190673-190682	Total: \$	210.00
Register No. 161	February 7, 2014	Check Nos. 190683-190692	Total: \$	8,502.00
Register No. 162	February 7, 2014	Direct Deposit:18763-18765	Total: \$	844.00
Register No. 163	February 7, 2014	Check Nos. 190693-190700	Total: \$	2,921.64
Total:				<u>\$1,403,043.17</u>

Consent Agenda Item Nos. 1 through 9 were approved as written, with the changes noted to Consent Agenda Item No. 5. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

- 1. APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY HEALTH DEPARTMENT**
- 2. DELETE ONE FULL-TIME CAREER SERVICE LEGAL ASSISTANT I POSITION (CLASS CODE 6705, ACCOUNT 41451), AND ADD ONE FULL-TIME CAREER SERVICE LEGAL ASSISTANT II POSITION (CLASS CODE 6705, ACCOUNT 41451), TO THE STAFFING PLAN OF THE CRIMINAL DIVISION OF THE ATTORNEY'S OFFICE IN ORDER TO FACILITATE A CAREER LADDER ADVANCEMENT**
- 3. DELETE ONE FULL-TIME CAREER SERVICE DEPUTY REGISTRAR II POSITION (CLASS CODE 6607, ACCOUNT NUMBER 230-43100), AND ADD ONE FULL-TIME CAREER SERVICE DEPUTY REGISTRAR III POSITION (CLASS CODE 6608, ACCOUNT NUMBER 230-43100), TO THE STAFFING PLAN OF THE HEALTH DEPARTMENT IN ORDER TO FACILITATE A CAREER LADDER ADVANCEMENT**

Utah County Health Department Executive Director Dr. Joseph K. Miner mentioned the Staffing Plan change to occur in the Vital Records Division.

- 4. ADD ONE FULL-TIME CAREER SERVICE OUTREACH/HOME VISITATION AID (JOB CODE 5142, ACCOUNT NUMBER 230-43120) TO THE STAFFING PLAN OF THE NURSING DIVISION OF THE HEALTH DEPARTMENT**

Commissioner Witney noted for the record that this employee would be coded internally as a grant-funded position.

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5. **DELETE ONE FULL-TIME CAREER SERVICE MECHANIC I POSITION (CLASS CODE 7033, ACCOUNT NUMBER 44610), AND ADD ONE FULL-TIME CAREER SERVICE MECHANIC II POSITION (CLASS CODE 7031), TO THE STAFFING PLAN OF THE MOTOR POOL DIVISION OF THE PUBLIC WORKS DEPARTMENT IN ORDER TO FACILITATE A CAREER LADDER ADVANCEMENT**

The Board requested that Regular Agenda Item No. 5 be continued to the next meeting of the Board.

CONTINUED TO FEBRUARY 18, 2014

6. **ACCEPT ANNUAL PAYMENT IN LIEU OF TAXES FROM THE DIVISION OF WILDLIFE RESOURCES, AND UPDATE ON FISH AND WILDLIFE ISSUES**

With no representative from the Division of Wildlife Resources present, the commissioners chose to continue this item to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH DOMINION VOTING TO PROVIDE GEMS ELECTION SERVER SETUP SERVICES FOR THE 2014 CYCLE**

8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2013-656 WITH THE UTAH DEPARTMENT OF HEALTH FOR THE WISEWOMAN PROGRAM**

9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2014-67 WITH THE UTAH COUNTY CONVENTION CENTER TO PROVIDE MORE MEALS FOR THE 'CHILDREN IN DISASTER' CONFERENCE TO BE HELD FEBRUARY 27, 2014**

Utah County Health Department Executive Director Dr. Joseph K. Miner confirmed the need for the amendment, for additional meals and an adjusted forty percent discount.

10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN WRITTEN PERMISSION FOR THE AMERICAN FORK CENTRAL STAKE PRIMARY OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS TO USE BB GUNS AND ARCHERY EQUIPMENT AT WILLOW PARK FOR YOUTH ACTIVITIES ON JUNE 20 AND 21, 2014 *(Continued from the February 4, 2014 Commission meeting)***

The commissioners requested that Regular Agenda Item No. 10 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

11. **ADOPT THE STORM WATER MANAGEMENT PLAN AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE NOTICE OF INTENT FOR COVERAGE UNDER THE GENERAL PERMIT FOR DISCHARGE FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS *(Continued from the February 4, 2014 Commission meeting)***

12. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL COOPERATION AGREEMENT WITH THE PROVO CITY STORM WATER SERVICE DISTRICT, OREM, PLEASANT GROVE, AMERICAN FORK, SPRINGVILLE, SPANISH FORK, LEHI, PAYSON, LINDON, HIGHLAND, ALPINE, MAPLETON, SALEM, CEDAR HILLS, AND EAGLE MOUNTAIN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORM WATER PUBLIC EDUCATION AND OUTREACH BEST MANAGEMENT PRACTICE COMPLIANCE**

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13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 2 TO AGREEMENT NO. 2013-635 WITH HARWARD & REES TO EXTEND THE SUBSTANTIAL COMPLETION DATE OF THE PAYSON CANYON BRIDGE PROJECT TO MARCH 1, 2014**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN FEDERAL AID AGREEMENT MODIFICATION NO. 2 TO AGREEMENT NO. 2010-28 WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE MURDOCK CANAL TRAIL**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE COOPERATIVE FOREST ROAD AGREEMENT WITH THE USDA, FOREST SERVICE UINTA-WASATCH-CACHE NATIONAL FOREST (FOREST SERVICE AGREEMENT NO. 14-RO-11041915-005)**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH COUNTY DEPUTIES ASSOCIATION FOR THE 2014 COUNTY FACILITIES USE AGREEMENT**

The Board requested that Regular Agenda Item No. 16 be continued to the next meeting of the Board.
CONTINUED TO FEBRUARY 18, 2014

17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH COUNTY DEPUTIES ASSOCIATION FOR THE 2014 BASIC SWAT SCHOOL, K9 SCHOOL AND SNIPER SCHOOL**

The Board requested that Regular Agenda Item No. 17 be continued to the next meeting of the Board.
CONTINUED TO FEBRUARY 18, 2014

18. **ADOPT A RESOLUTION OF APPOINTMENT OF MARK I. JOHNSON TO THE ADMINISTRATIVE CONTROL BOARD OF THE TIMPANOGOS SPECIAL SERVICE DISTRICT**

19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF VACANCY ON THE SPRINGVILLE DRAINAGE DISTRICT BOARD OF TRUSTEES**

The Board requested Regular Agenda Item No. 19 be tabled until after the closed meetings toward the end of the session.
TABLED FOR FURTHER DISCUSSION

*Please refer to the final page of these minutes for additional notations.

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 8 and 9 were ratified; Nos. 2, 5 and 7 were approved; Nos. 3 and 4 were approved and authorized; and No. 6 was adopted. Regular Agenda Item Nos. 1, 2, 3 and 4 were approved; Nos. 5, 16, and 17 were continued to the February 18, 2014 meeting of the Board; Nos. 6 and 10 were continued without date; Nos. 7, 8, 9, 13, 14 and 15 were approved and authorized; Nos. 11, 12, and 18 were adopted; and No. 19 was tabled for further discussion.

AGREEMENT NOS.: 2014-102, 2014-103, 2014-104, 2014-105, 2014-106, 2014-107, 2014-108, 2014-109, 2014-110, 2014-111, 2014-112, 2014-113 and 2014-114

RESOLUTION NOS.: 2014-19, 2014-20, and 2014-21

REGULAR AGENDA

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

21. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
STRICKEN

22. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY
STRICKEN

23. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY
STRICKEN

24. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED
STRICKEN

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 21, 22, 23 and 24 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Witney made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments, and the meeting recessed at 9:21 A.M. to go into closed meetings. The public meeting reconvened at 10:02 A.M.; the commissioners returned to previously tabled Regular Agenda Item No. 19 at this point.

REGULAR AGENDA

19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF VACANCY ON THE SPRINGVILLE DRAINAGE DISTRICT BOARD OF TRUSTEES

Commissioner Ellertson noted that the notice of vacancy would specify two available positions on the Springville Drainage District Board of Trustees, and adjusted his motion accordingly.

Commissioner Ellertson made the motion to approve a Notice of Vacancies on the Springville Drainage District Board of Trustees as outlined in Regular Agenda Item No. 19. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

VACANCY NO. 2014-1

*Please refer to the final page of these minutes for additional notations.

This concluded the open meeting.

Commissioner Ellertson made the motion to adjourn the February 11, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:02 A.M. The minutes of the February 11, 2014 Commission Meeting were approved as transcribed on March 11, 2014.

GARY J. ANDERSON, Commission Chair

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ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

*Regular Agenda Item No. 19:

The commissioners addressed Regular Agenda Item No. 19 regarding a Notice of Vacancy on the Springville Drainage District Board of Trustees following the closed session meetings, and approved the item by unanimous vote with the changes specified.